

**ADA  
Complaint  
Procedures**

**City of Sunnyvale**

**Americans With Disabilities Act  
Notice of Non-Discrimination**

**City of Sunnyvale**

Under Title I of the Americans with Disabilities Act of 1990 (ADA), no local government or covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.

In addition, Title II of the Act requires a public entity to make its programs, services and activities accessible to the disabled in all cases, except where to do so would result in a fundamental alteration of the nature of the program, service or activity or in undue financial and administrative burdens.

The City of Sunnyvale does not discriminate in any of its programs, services or activities on the basis of disability. If you feel your rights under the Americans with Disabilities Act have been violated, there are several remedies available to you. The City has established a formal procedure to resolve complaints related to discrimination under the ADA. Copies of this procedure are available in all city departments. In addition, the remedies, procedures and rights set forth in section 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 and in section 505 of the Rehabilitation Act of 1973, shall be the remedies, procedures and rights this Act provides to any person alleging discrimination on the basis of disability in violation of the Americans With Disabilities Act.

## Policy Statement

Any individual who believes that he/she (individually or on behalf of a specific class of individuals) has been subjected to unlawful discrimination in any City of Sunnyvale program, practice, activity or service on the basis of a disability may file a complaint by himself, herself or by an authorized representative.

## Definition

A complaint is an expression of dissatisfaction with an employee, policy, practice, service, program or facility provided by the City of Sunnyvale as a result of limited access or unlawful discrimination on the basis of disability as defined in the Americans With Disabilities Act.

## Complaint Procedure Objectives

The objectives of this complaint procedure are to:

- Assure that complaints are promptly acknowledged and resolved;
- Establish uniform standards and procedures for handling complaints throughout the entire City organization;
- Provide citizens with an accessible system for bringing complaints to the City's attention;
- Demonstrate the City is responsive to the concerns of its citizens; and
- Reduce or prevent the occurrence of circumstances that lead to justifiable citizen Complaints.

## Procedure

If you believe you have been subjected to such unlawful discrimination, you or your authorized representative are encouraged to follow the complaint procedure outlined below. However, use of this procedure is not a prerequisite to the pursuit of other remedies

**1.** All complaints regarding access problems or alleged discrimination must be submitted in writing to the City's ADA Coordinator not later than ten working days from the time you became aware of or should have been aware of the occurrence of the alleged discrimination. A writer statement should include your name and address and describe the discriminatory action in sufficient detail to inform the City of the nature, date, location of the violation and the name or position of any City employee involved. If you are unable to file a written complaint, you should contact the ADA Coordinator who will discuss with you what alternative arrangement can be made to submit your complaint. A record of all City actions taken on your complaint will be maintained by the ADA Coordinator.

**2.** Your complaint will be forwarded to the Assistant City Manager for review. The Assistant City Manager will contact the Department Director responsible for the program or service in which the discrimination allegedly occurred and provide the Director with an opportunity to investigate and respond to our complaint. The Director must respond to the Assistant City Manager within fifteen working days after such contact. The Director's response must include a preliminary determination of whether discrimination occurred and, if so, what remedies the department recommends to resolve your complaint.

**3.** Upon receipt of a response from the Department Director, the Assistant City Manager shall review your complaint and the response from the Department Director. Upon completion of this review, the Assistant City Manager will determine whether discrimination has occurred. If the Assistant City Manager determines that discrimination has occurred, he or she will resolve the problem by reasonable accommodation if he or she can do so with the scope of his or her authority. You and the Department Director will be notified within twenty-five days of receipt of your complaints. If you are unable to read, the Assistant City Manager will make every reasonable effort to communicate the decision in an alternative method, which you can understand.

**4.** If the complaint cannot be resolved to your satisfaction by the Assistant City Manager, you or your authorized representative may request the ADA Coordinator to arrange a hearing before the City Manager. You must make any such request within ten working days after receiving the response of the Assistant City Manager. Your request must at least state why you are appealing the Assistant City Manager's determination and any proposed remedies as well as what remedy you are seeking. A taped record of the hearing will be maintained and, if necessary, transcribed. Within fifteen working days of the hearing, the City Manager will inform you of the resolution in writing or, if you are unable to read, in an alternative method of communication which you can understand. The decision of the City Manager will be the City's final decision on the complaint.

**5.** Your right to prompt and equitable resolution of your complaint must not be impaired by your pursuit of other remedies, such as the filing of a complaint with the Department of Justice or the Equal Employment Opportunity Commission.

Furthermore, this procedure does not preclude, nor must it precede, the filing of your complaint with the appropriate federal agency. Complaints filed with federal agencies must be filed in accord with their timelines and procedures.